

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RANDY F. CONELL,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

8:20CV332

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that the parties' joint motion to extend case progression is granted. (Filing No. 42). Deadlines not specifically extended by this order remain unchanged. The final progression order is amended as follows:

- 1) The status conference currently set for August 16, 2022 is **continued**. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **January 18, 2023 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	October 3, 2022.
For the defendant:	December 5, 2022.
Plaintiff's rebuttal:	December 26, 2022.

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is January 25, 2023.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The deadline for filing motions to dismiss and motions for summary judgment is March 20, 2023.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 6, 2023.
- 6) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 31st day of May, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge